

FARMINGTON CITY
PLANNING COMMISSION MEETING
November 5, 2015

STUDY SESSION

***Present:** Chair Rebecca Wayment, Commissioners Brett Anderson, Heather Barnum, Bret Gallacher, Kent Hinckley, Alex Leeman and Dan Rogers, Community Development Director David Petersen and Recording Secretary Lara Johnson. Associate City Planner Eric Anderson was excused.*

Item #4. Street Cross-Section Request – 650 W and Glovers Lane Near Probable High School

David Petersen said Glovers Lane is a country lane with a 66' wide street cross section. It has not been built to City standards. With the new high school that is coming in, the Master Plan calls for Glovers Lane to be an 80' right-of-way (ROW). That would mean we need an additional 7' on each side to bring it to 80'. To make up the 80' ROW, the City would need 52' of asphalt, 2 ½' of curb and gutter on each side, as well as 5' sidewalks and 6 ½' park strip on each side. Once Davis School District (DSD) gives up their 7', they run into having a storm drain line manhole and a sanitary sewer line manhole in the sidewalk. To accommodate the 2 manholes, DSD needs to shift the northern boundary line 12' to the north. Doing so would create a very wide park strip to accommodate the manholes. Apparently, moving the sidewalk to the north is the cheaper option than moving the storm drain and sewer lines.

David Petersen said in reviewing the aerial map, there are approximately 6 undeveloped lots along Glovers Lane in the south side. To get 7 ½' along the Glovers Lane, it may take years before the additional improvements will be made as the City obtains those improvements when the lots are developed. We have an opportunity to widen the ROW from the proposed 80' to 92' (which includes DSD's 12' shift of the boundary line). He proposed shifting the curb and gutter to right under the manhole to obtain the entire sidewalk at this time to ensure there may be no outstanding dedication of ROW on the south side of the road. Once completed, the road will be 85' wide, the City is not waiting to call upon the improvements when lots are developed, and for this section of Glovers Lane, it will be built out in full.

David Petersen presented a handout from CRS Engineers (contracted with DSD) showing how the 85' will work. Although the bond for the high school has not yet passed, he said the reason for bringing this item to the Commission now is the designs for the roads is very extensive and must be moved along.

As for 650 West, **David Petersen** stated staff is recommending approval of the motion as written in the staff report. He also said that the applicant is requesting an additional 3', to bring the ROW to 69', to accommodate a sewer manhole.

REGULAR SESSION

***Present:** Chair Rebecca Wayment, Commissioners Brett Anderson, Heather Barnum, Alex Leeman and Dan Rogers, Community Development Director David Petersen, Associate City*

Planner Eric Anderson and Recording Secretary Lara Johnson. Commissioners Bret Gallacher and Kent Hinckley were excused.

Item #1. Minutes

Heather Barnum made a motion to approve the Minutes from the October 22, 2015 Planning Commission meeting. **Dan Rogers** seconded the motion which was unanimously approved.

Item #2. City Council Report

David Petersen gave a report from November 3, 2015 City Council meeting. He said the Villa Susanna Subdivision is finally going to move forward. The City Council votes on the new Gym's rules and fee structure which will allow residents to use the facility at a low cost. Also, the lawsuit with the City and the Evans family over the 62 acres located near the Park Lane "swoop" has been settled.

Motion to Move Agenda Items

Kent Hinckley made a motion that the Planning Commission move Item #4 (Street Cross Section Request) to Item #3 and Item #3 (Russell PUD Overlay) to Item #4. **Alex Leeman** seconded the motion which was unanimously approved.

OTHER BUSINESS

Item #3. Street Cross-Section – 650 West and Glovers Lane near probably future high school location. (M-4-15)

David Petersen asked the Commissioners to reference the amended staff report that was presented during the Study Session. He said staff is recommending the suggested motion for 650 West, but is requesting that the Glovers Lane originally proposed 92' cross section be amended to 85', as discussed in the Study Session. He said the additional ROW width is being given by DSD as it accommodates their needs so they do not have to move the storm drain and sanitary sewer lines. **David Petersen** said staff is suggesting Motion B with the same conditions as Motion A, as found in the amended staff report.

Doug Cromar, 2060 E. 2100 S., Salt Lake City, representative from CRS Engineers, said for 650 W., they are requesting to increase the standard 66' right-of-way (ROW) by 3' to make the ROW now 69'. Doing so will accommodate the manholes in the paved area and will give the road additional shoulder width which will help accommodate potential high school students that want to park along the road. He explained the main issues with the manholes were the curb and gutter. Widening the road will place the manholes just near the curb and gutter.

Dan Rogers asked if it is okay to have parking on the road near the future high school. **David Petersen** said high schools like Woods Cross High have a lot of students park along Frontage Road. **Doug Cromar** said the 3' adjustment provides 4' from lip of curb and gutter to the manhole; this will make it easy to maintain the sewer line.

For Glovers Lane, **Doug Cromar** said the initial proposal increased the ROW from 80' to 92' which would push the sidewalk to the north and would provide a very large park strip to ensure the manhole is not placed in the middle of the sidewalk. As **David Petersen** presented in the Study Session, it makes sense to shift the ROW to the north to ensure the road is fully built out at this time. He said

they have discussed the buffer areas and transitions for intersections with the Traffic Engineer. He said although it may be tight, it does meet requirements. Also, a shift in the road will place the manhole just behind the curb and gutter making it easy for Public Works to maintain it.

Dan Rogers asked if the applicant prefers Motion B over Motion A. **Doug Cromar** said yes; he prefers Motion B and the 85' ROW. He also added that although trees will not be able to be planted in the park strip, due to the sewer line, there will still be a landscape buffer (i.e.: trees) on the other side of the sidewalk as well as appropriate landscaping in the park strip. He suggested a public utility easement for the park strip.

Kent Hinckley pointed out that the amended staff report still shows 80' in lieu of the 85' ROW that was discussed. **David Petersen** said it was an error; 85' ROW is correct.

Motion for 650 West:

Alex Leeman made a motion that the Planning Commission recommend that the City Council approve the proposed street cross section subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The City shall not pay for the additional 3 feet of right-of-way and asphalt as a system improvement, or otherwise, resulting from the new street cross section;
2. The transition from the standard to the wide cross section shall be approved by the City Engineer;
3. The DSD shall meet all other City site plan standards on-site related to the project.

Dan Rogers seconded the motion which was unanimously approved.

Motion for Glovers Lane:

Alex Leeman made a motion that the Planning Commission recommend that the DSD dedicate and widen the entire Glovers Lane from 66' to 85' whereby all of the additional 14' will occur on the north side of the right-of-way thus shifting all improvements 7' to the north, thereby placing the sanitary sewer and storm drain manholes in the park strip. This motion is subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The City shall not pay for the additional 12' of right-of-way as a system improvement, or otherwise, resulting from the new street cross section;
2. Sidewalk transitions from the standard to the wider cross section shall be approved by the City Engineer;
3. The DSD shall meet all other City site plan standards on-site related to the project;
4. The DSD must work with staff to provide landscaping north and south of the new north side sidewalk location that will meet the needs of the City and CDSD and enhance the aesthetic appearance of the site.

Dan Rogers seconded the motion which was unanimously approved.

Findings for Approval:

1. A realignment of the side treatments on 650 West further to the east will make room for the sewer manholes to be located in the asphalt instead of the curb and gutter. Such an

improvement if located in the curb and gutter results in problematic access to manholes, and impedes the drainage function thereof.

2. A slightly wider pavement cross section on 650 West adjacent to the high school site may help better accommodate turning movements and possible on-street parking.
3. Due to a survey error, the southwest corner of Miller Meadows Phase I is located further east than it should be, which resulted in a wider street at this location. The DSD proposal to widen the street south of this point is consistent with this error.
4. The proposal to relocate the sidewalk on the north side of Glovers Lane further to the north will make room for sanitary sewer and storm drain facilities in a much larger park strip instead of locating these improvements in the sidewalk. Such improvements in the sidewalk result in problematic maintenance (i.e. snow removal, etc.).
5. Presently, Glovers Lane is a 66' wide minor collector and must be widened as per the MTP to an 80' major collector to handle the increased capacity necessary for the high school and other uses. A recommendation to shift the entire 80' street cross section to the north will minimize the need to obtain more right-of-way (7') along the south side of the existing street. This will help better make way for the possibility of provided a fully improved major collector adjacent to the High School rather than taking a long time, possibly years, to obtain said 7'. But, if completed per the recommendation, it will be 85' wide and not 80' in width.
6. The proposed widening will not compromise the future high school site.
7. The DSD proposal will save money because sewer and storm drain remain in place at existing locations.
8. Attempts will be made to enhance the aesthetics of the street scape.

PUD OVERLAY APPLICATION

Item #5. Tami Russell (Public Hearing continued from 10.22.2015) – Applicant is requesting a PUD overlay for .25 acres of property located at 1217 North Main to allow for a small commercial use (a beauty salon) within a single family residence. (Z-6-15)

David Petersen asked the Commissioners to consider the staff report, the comments made by residents during the last Public Hearing and the location of the property on Shepard Lane and Main Street. He reminded the Commission that the General Plan calls for the surrounding area to be Business Park (BP); however, the orange "wavy" line does not include this property, but does touch it. He asked an open ended question if the Planning Commission feels this property should remain residential or if they feel it could be nonresidential.

Bret Gallacher asked for clarification on the "wavy" line. **David Petersen** stated the "wavy" line on the General Plan is a recommendation for property to be zoned BP which may include office facilities, doctor offices, etc. The General Plan is typically used as a guide, but that Planning Commissions and City Councils decide if they choose to follow the Plan. By following the Plan, it does help ensure all decisions are consistent. He said the property to the west has not yet been rezoned; however, there are other commercial uses located within close vicinity of this property. He asked the Commissioners if they would like to see this property remain residential and if they feel it will always remain residential.

Heather Barnum said she has given this property a lot of thought since the last meeting. She said she has been thinking about which street this home belongs to, either Shepard Lane or Main Street. She feels if the home belongs more to Main Street, it may be prudent for it to remain residential, but she feels the home is more visible from Shepard Lane so it may blend better with the commercial area. **Alex Leeman** said even though the home's front faces Main Street, it is further setback from it than on Shepard Lane. **Heather Barnum** agreed, but also added that she feels that approving the PUD overlay

for this property owner may make it challenging for future Planning Commissions to no longer allow businesses uses for this property, in event the property is sold. **Rebecca Wayment** also agreed. She is also concerned that changing the parking will solidify that this home feels more like a business.

Heather Barnum said she feels this property could never accommodate a high volume business as it cannot accommodate a lot of parking. **David Petersen** agreed, and added that the square footage of the home is too small to accommodate anything larger.

Rebecca Wayment said she feels this property is a gateway corner to the rest of the City. She is concerned that, if approved, the gateway to the City will be a business with a sea of concrete, but if it remains residential it may better maintain the “cozy” feel of old town Farmington. **David Petersen** said the appearance of the building does add to the neighborhood. He said the last few property owners rented the home to their kids, but had a hard time filling it with other renters. He said it has been sitting vacant for a long time. He asked the Commissioners if they feel it is a desirable place to live. **Brett Anderson, Alex Leeman, and Rebecca Wayment** agreed they would not want to live there with their families, but that it may be a good place for those without children.

Alex Leeman expressed concern that if a better use is not determined for the home, in a decade it could easily become a convenient store as it is a high traffic volume corner. **Heather Barnum** agreed; she feels if this proposal is approved, it will maintain the historic looking home as the gateway into the City.

Bret Gallacher referenced the letter from the applicant, Tami Russell that is found in the staff report. The letter stated she did not have any intention to modify the building, but she is proposing modifications to parking. He asked staff to clarify. **David Petersen** said yes, the applicant does not have plans to modify the house; however, she will modify the parking to accommodate her needs.

Rebecca Wayment mentioned that this item was previously tabled at the last Planning Commission meeting. One of the reasons stated was to give staff time to discuss with the City’s historic architect if modifying the parking, as the applicant proposed, would change the historic nature of the home. **David Petersen** said staff did talk with the historic architect; modifications to parking, and even landscaping modifications, do not affect the homes eligibility. **Kent Hinckley** asked what makes a home eligible to be on the National Historic Registry. **David Petersen** said the age, style and location of the home.

Dan Rogers posed the question that if this use is not granted, the home remains residential and still does not sell, what will happen to the corner. As it currently stands, he feels the home is in disrepair. He feels this is a good alternative. **Alex Leeman** agreed; he feels if it is not saved, it may run the risk of demolition by neglect.

Kent Hinckley expressed concern that the Commission is considering to apply a PUD ordinance to one house in one lot on one corner. After reviewing the PUD ordinance, he feels this proposal flies in the face of the zoning ordinance as PUDs are meant for larger areas where there is open space and included amenities in return for the flexibility. He feels this does not fit the intent of a PUD. **Rebecca Wayment** agreed; she also feels the “commercial creep” could become more prevalent as granting this PUD may create an expectation that other property owners can request it. **Alex Leeman** pointed out that the advantage to the PUD overlay is that it is 100% discretionary; if the Commission and City Council do not feel it is a good idea for other potential applications, it does not have to be granted. **David Petersen** also added that if it is zoned commercial, the City and neighbors run the risk of losing that corner. The PUD overlay protects it as the property must meet the standards set by the Commission for the home’s upkeep.

David Petersen presented the proposed parking plans presented by the applicant. The Commissioners reviewed the parking plans and asked about the signage that is being proposed. **David Petersen** said the signage conforms to the City's signage plan. They have also proposed a small sign hanging from the gable of the home with an exterior light on it.

David Petersen also explained that in the event someone were to live in the home, a home occupation allows for the homeowner and 1 additional helper that is not a family member to assist with the business, the homeowner has to fill out a license form, no changes to parking are required and they can put a 12" x 12" sign in the window.

David Petersen said he and the applicant met with Eric Miller, the City's building official to discuss how the home will meet building code as a business. The home must include adequate parking, including a handicap parking stall, exterior handicap ramp to the front door and handicap accessibility within the home and bathroom. He said the cost for those additions can be significant. He said the building code is more extensive based if there is not a resident living in the home. Also, if the applicant does use the home as her business location, the Ordinance requires some kind of screening and/or a 30' buffer. Screening would not be required with a home occupation.

Rebecca Wayment asked if there is any screening to the west of the property. She is concerned lights from the parking lot may shine into the windows of the home located to the west. **David Petersen** said with regards to a fence or 30' buffer, there is already a large landscape buffer that exceeds 30' and the neighboring home sits down far enough that a 6' fence would not affect it. He feels it will most likely meet the code as is.

Heather Barnum asked if the façade of the home would be changed with handicap accessibility. **David Petersen** explained the ramp would be a gradual rise coming up the side of the home and to the front door. He said the applicant is further looking into it, but he feels it will be subtle and will not change the façade of the home.

Taylor Russell, 846 Oakridge Dr., daughter of the applicant Tami Russell, said since they have closed on the house since the last Planning Commission meeting, they have gotten a better feel on the home and their goals for the business. She said she and one other person will be working in the home for a total of 2 employees at the most. They each plan to work 4 days a week at various times based on their appointment schedule. They have decided to decrease the number of parking spots from 6-8 to 4 stalls which is more than the required 3 stalls based on the building code for a 1,000 sq. ft. location. **Taylor Russell** said with regards to the previously expressed privacy issues by Mr. Roberts, there is a fence that runs along the property; however, in order to keep things as natural looking as possible, they will put in privacy bushes along the fence. She feels this natural looking "wall" would also appeal to future buyers in the event they sell the property.

Dan Rogers asked how many days they plan to be open for business during the week. **Taylor Russell** said they are not sure on their exact business hours as they plan to work their own schedule; however, she does not plan to work Saturdays or Sundays. She said there may be some nights that they may be open until 7 p.m. to accommodate customers' work schedules, but that would also mean they would open later in the morning. She does not see the business open for more than 6 hours a day on any given day.

Rebecca Wayment asked what their appeal was to change it from a residence with an in home business versus a business only location. **Taylor Russell** said she likes to stay where she is living, so she

wants to make sure they are doing this correctly. If this is not approved, she said their next option is for her to move in.

Brett Anderson asked if the two large pine trees on the southwest corner will be removed. **Tami Russell** said no, they will not be removed.

Taylor Russell asked staff if compliance with the building code to make it handicapped accessible will lessen its historic significance. **David Petersen** said he asked Eric Miller, the building official, about the modifications. Eric Miller said there is some flexibility.

Dan Rogers referenced the public comment made in the last Planning Commission meeting by Mr. Roberts that he has had problems with this location's visitors parking in his driveway. **Tami Russell** said she is unsure why so many people were confused at the time. Since they have owned the home, they have not had any problems with visitors knowing where the home's parking is located. **Taylor Russell** suggested posting a sign stating parking is around back or telling clients to access the location from Shepard Lane.

Rebecca Wayment reopened the public hearing at 8:12 p.m.

Elise Allred, 127 N. Main St., said that she discussed concerns that were previously brought before the Commission with the applicant. She said she feels the applicant's goal is to keep the home as beautiful as possible. She said she feels 2 women working there for a short period of the day will generate less traffic than if a family lived there. She said Taylor will ask clients to park in the back so they do not disturb the neighbors. The greenery wall will be a nice aesthetic addition as well as serve as a great privacy feature; the barn will also continue to block the business from the neighbors to the south. She said she does not feel this is a good location for residential. She knows the applicant and knows she will keep it well maintained and be respectful to neighbors around her.

Matt Poulsen, 1732 N. Main St., said he sent an email to the Commission and has nothing new to add, but wanted to reiterate the pressure that he feels surrounds this property. He feels an exception should not be made to allow the PUD overlay because it sets a precedent. He feels semantics are at play as the Commission calls it a PUD, but it looks like "spot zoning." He is concerned that although the applicant is stating business preferences right now, there may come a time when things drastically change.

Julie Roberts, 1199 N. Main St., said she lives on the south side of this property. She said it is admirable how the applicants have already been working hard to fix the disrepair of the previous renters of the home. Having lived in their home for over 13 years, she feels they have been able to maintain the natural farm feel that Farmington used to be. She said her husband was not able to attend, but emailed comments to the Commission. She said their main concern is that approving the PUD overlay for this property will forever deem it as commercial and adding the additional concrete will permanently make it that. She believes it should remain residential. She feels a home occupation would not be as big of a deal; however, an operational business will have a lot of strangers coming and going regularly. She feels it will be intrusive to their property. She has concerns about the businesses signage as well as concerns with the kids walking to and from the nearby elementary school. She feels the traffic from this will increase the congestion at the intersection. She does not feel it is reasonable to state no one will ever purchase this home as there were previous bids to purchase it from a single gentleman and a few others. She again emphasized the fact that she is concerned how this decision will affect the future as well as how it may negatively affect the value of her property.

David Roberts, 1199 N. Main St., said he lives with his parents that are located on the south side of the house. He feels what is before the Commission is a big decision as this property is at the gateway of Farmington. He said there have been many people that have looked at the home so he feels that there are still people that are willing to live there now. He feels many did not purchase it due to its listed price. He is concerned that approving the PUD Overlay could lead to its future approval of a commercially zoned property. He feels that there is nothing to limit the number of employees despite **Taylor Russell** stating they only have plans of 2 women working at a time.

Holden Russell, 846 Oakridge Dr., is the son of the applicant and brother to Taylor Russell. He said currently, Taylor holds her appointments in their basement, and he does not notice her. With regards to the elementary school kids, he feels people backing out of the driveway onto the busy road is currently more dangerous than modify the driveway to ensure cars exit the driveway facing forward.

Ruth Schow, 1228 N. Main, said she lives directly east of this property and has for 8 years. She agrees that expanding the driveway so cars enter the intersection facing forward will be a safer option. She feels this use will generate more traffic as 2 cars will be coming and 2 cars going if appointments are an hour each. She feels like if an exception is made in this circumstance, someone else may also come in asking and expecting the same exception. She said she works at the Brass Comb across the street. She said they have 4-6 stylists working at any given time; she feels their parking lot is always overly crowded. **Heather Barnum** asked if they offer the same services the applicant is providing. **Ruth Schow** said yes, they offer brow services, but she feels business begets business so it may be a way to cross market services.

June DeHaan, Kaysville, said she also works at the Brass Comb. She also feels that this business will add to the congestion of the intersection. She feels this will generate more traffic than if it were to remain a residential property. She feels the parking modifications will be an upgrade, but also feels clients may become confused about traffic patterns because they cannot turn left out of the driveway to access the freeway from Shepard Lane.

Russell Tribe, 1199 N. Main St., said he feels allowing a PUD overlay is basically the same thing as allowing a commercial business in a residential area. He said although the Commission may argue that it is not, but since he lives next door, he feels he could argue that it is. He said it is on the route to the school so there is an additional risk there. He said the only option is for clients coming down Main St. to drive past the school and flip a U-turn to come back up and enter the business parking lot. He feels there are safety concerns with that.

Rebecca Wayment also stated that the emails received by the Commission have also been entered into the record.

Rebecca Wayment closed the public hearing at 8:44 p.m.

Brett Anderson asked what the differences are between a home occupation and a business only location. He asked about parking requirements, number of employees and screening. **David Petersen** said with a home occupation, the applicant could leave the parking as is, they are allowed the family plus an additional outside helper to make 2 employees, and that screening would not be required. With a business only location, the modifications to the driveway must be made, which can be viewed as a benefit as cars will no longer be backing into a busy road. Also, the same number of employees would apply, and the applicant would be required to provide screening.

Rebecca Wayment asked the width of a standard 3 car garage. **David Petersen** a typical 3 car garage with a side yard filled with cement would be well over 40'. It would be significantly more than

what is being proposed for the parking on this home, which is the width of a standard 2 car garage with an additional 12'.

Alex Leeman stated that it is important to determine the differences between a PUD overlay, a residential property and a commercial one. He said if this remains residential and the applicant runs a home occupation, the applicant can still modify the driveway, put up screening, make ADA modifications to the home, but is not obligated to do so. Although it is not being requested, but for comparison purposes, he said if this were approved to be rezoned to Commercial, the applicant could remove the building, trees, etc. The PUD overlay option gives the control back to the Commission to ensure all requirements set by the Commission are met.

Brett Anderson asked if business hours or hours of operation may be regulated with a home occupation. **David Petersen** said no, a home occupation can operate anytime they choose.

Bret Gallacher expressed concern that Taylor Russell said she will keep the number of women working to 2; however, we do not know if they will maintain or grow that number. **David Petersen** said that can also be regulated with the PUD overlay. **Heather Barnum** expressed concern that restricting that could limit their growth. She feels if we approve the PUD overlay for their business, than it is important to let them grow it.

Kent Hinckley asked for further clarification on "spot zoning" as it was mentioned by a resident. **David Petersen** said it is when a property is rezoned to something that is inconsistent with the General Plan. He said an example might be if a whole area is Master Planned for Agriculture, but someone wants to rezone a property in the middle of the Agriculture as Commercial to accommodate his restaurant. That example would be considered "spot zoning."

Rebecca Wayment said she has been weighing the options all night. She said she appreciates the applicant's honesty that they do not want to live there; however, she feels it may be worth it to leave it as a home occupation as the Commissioners may not be totally comfortable with the PUD overlay. **David Petersen** pointed out that no one from the public stated they do not like the home, the trees or the ambiance the property creates. He said he feels that the driving force is to keep the corner vibrant and restrict "commercial creep." He feels the PUD overlay may give the Commission a way to preserve the corner in comparison to the corner of Park Lane and Main St. that has been totally cleared in order to accommodate a new office building.

Kent Hinckley expressed concern that the Commission will build a "box" around what is and is not required; however, a similar situation occurred with the approval of the Uhaul business. He remembers approving it with the condition that there cannot be more than 2 units parked in the front of the business at any given time, but he often sees 3 or more units parked out front. He feels that whatever "box" is put around this approval, it is difficult to control. He is concerned that a few years down the road the Commission may not get what they thought they were getting. **Heather Barnum** asked who enforces those issues. **David Petersen** said the City enforces those issues; however, controlling and enforcing can become difficult.

Alex Leeman expressed frustration that residents may have viewed staff as prejudged on the item. It is staff's job to talk with applicants to help them figure things out and then to bring it to the Commission and City Council to see if it will be approved. **David Petersen** added that often times applications can be so complicated; he feels staff often tells applicants that they will not know until they come before the Commission if something can be done and/or will be approved.

Heather Barnum said that the size of the driveway does not concern her as it will be accessed from Shepard Lane; she feels it is more consistent with the feel of Shepard Lane. She also does not feel the traffic the business will generate would be more than a family or even a set of roommates that could live in the home. She is concerned about the elementary kids. She asked that a sign be placed at the end of the driveway that increases awareness to look both ways. As for the buffer, she feels it is unreasonable to expect that you would never see neighbors. She feels the additional privacy would be an added bonus for the neighbors. After going back and forth, **Heather Barnum** says she is leaning toward approving the PUD overlay as long as it keeps the commercial view of the home along Shepard Lane and the residential feel of the home along Main St., as well as includes safety improvements and other restrictions the Commission sees fit.

Dan Rogers said that he has listened to the differences between the PUD overlay and the home occupation. He feels the PUD overlay gives the City so much more control over the property, allows it to include requirements for things that needs to be done, and protects the nature of the property. He is in favor of the PUD overlay.

Brett Anderson cautioned that a denial of this could potential mean the loss of control to preserve the house, the trees, the hours of operation, the privacy fence, etc. The PUD is tied to this owner. If she sells, the PUD overlay goes away and does not give the next property owner a free pass to do as they choose. He feels it may be less desirable to deny this request and run the risk of losing all the Commissioners and surrounding community would like to protect. **Bret Gallacher** agreed; he feels the best way to possibly stop the “commercial creep” is to grant the PUD overlay to ensure the City maintains control over the protection of this property.

Alex Leeman asked if there are restrictions the Commissioners would like to attach to the motion. The Commissioners discussed reasonable business hours, days and time of day the business could remain open and the number of employees. **Kent Hinckley** expressed concern that doing so many restrictions would be like dreaming up a business plan for them. He feels if the City is going to approve their application to run a business, then the City should allow them to be successful. **Alex Leeman** agreed, and he also stated he does not like passing restrictions that cannot be easily enforced. **David Petersen** added that the location will naturally restrict them due to parking restraints and the size of the home.

Rebecca Wayment asked how the complaints about cars parked in Mr. Roberts’ driveway can be mitigated. **David Petersen** said it would be prudent for the applicants to inform and encourage their clients to use the correct parking. **Dan Rogers** also requested a small sign at the end of the driveway that says right turn only to better direct traffic.

David Petersen reviewed the conditions to the motion. The Commissioners were in agreement, and also requested the exterior light signing on the sign hanging from the gable be turned off past 10:00 p.m.

Motion:

Alex Leeman made a motion that the Planning Commission approve the PUD overlay request subject to all applicable codes, development standards and ordinances as per the enclosed site plan and the following conditions:

1. The PUD overlay designation shall run with the property owner and not the property, and shall terminate upon the transfer of ownership;

2. In the event the property owner demolishes the historic home or alters the home in such a way that it is no longer eligible for the national register the PUD overlay shall be terminated;
3. The street trees along Main Street and Shepard Lane, and the two large pine trees on the west side of the property, shall be preserved;
4. The applicant shall provide an opaque screen (either a fence or a vegetative buffer) the full length of the southern edge of the proposed parking lot.
5. The property owner shall provide at least 4 parking stalls on site.
6. The applicant may provide signs on site, but shall not exceed signage as per her request, including one sign in the east gable of the home, and one sign not to exceed 4 feet in height and 3' X 6' in area in the yard. The signs may be lit, but lights must be turned off by 10:00 pm.
7. A "right-turn only" sign, as approved by City staff, including the placement thereof (so as not to block site distance), shall be provided to caution vehicles leaving the parking area entering traffic.

Heather Barnum seconded the motion which was unanimously approved.

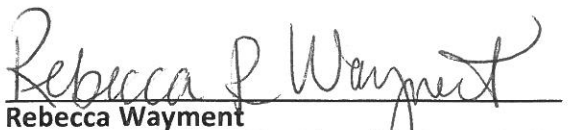
Findings for Approval:

1. The home is historic and is eligible for the National Register; the applicant will be preserving and rehabilitating the home where appropriate.
2. Open space, or common area, not less than 10% of the total area of a site is required for all PUDs. Nevertheless, in lieu of this requirement one may preserve an existing on-site historic structure as approved by the City. The applicant has agreed to do so.
3. The proposed PUD overlay and accompanying commercial use is compatible with and will have minimal impact on the surrounding neighborhood.
4. This location is a good place for low-impact neighborhood businesses, as it is at an intersection of two major roads (Main and Shepard).
5. A portion of the property is designated as OBP on the General Plan, which is a commercial zone.
6. Section 11-32-104 of the Zoning Ordinance dictates that a business such as this (a "less intensive commercial business") provide at least 1.5 parking stall per 1,000 sq. ft. of total area; this home is 2,000 sq. ft. and therefore the minimum requirement for parking is 3 stalls. The applicant is meeting this requirement.

ADJOURNMENT

Motion:

At 9:47 p.m., **Alex Leeman** made a motion to adjourn the meeting which was unanimously approved.


Rebecca Wayment
Chair, Farmington City Planning Commission